

REMARKS

Claims 1-12, 14 and 16 have been canceled, and claims 13 and 15 have been amended. Applicant reserves the right to pursue the original claims and other claims in this application and other applications. Claims 13 and 15 are pending in this application.

Claims 13 and 15 stand rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

Independent claim 13 is directed to a mailing machine. Applicants submit that the subject matter of these claims is clearly within the boundaries set forth by 35 U.S.C. 101. As noted in MPEP, 2106 (IV)(A), 35 U.S.C. 101 defines four categories of inventions that Congress deemed to be the appropriate subject matter of a patent; namely, processes, machines, manufactures and compositions of matter. As defined in 35 U.S.C. 100(b), the term process means process, art or method, and includes a new use of a known process, machine, manufacture, composition of matter or material.

Claim 13 is directed to a mailing machine and clearly falls within the enumerated category of a machine. The Office Action states that the claims are non-statutory for failing to recite a tangible result. Every single element of claim 13, directed to a machine, is a tangible element, e.g., transport means, printing means, etc. There is no basis for the Office Action's contention that a claim directed to a machine is non-statutory subject matter.

Claim 15 has been amended to include the features of claim 16 as suggested by the Office Action. As indicated by the Office Action, the 35 U.S.C. 101 rejection with respect to claim 15 will be withdrawn.

Claims 13 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sansone (U.S. 6,361,164) in view of Montgomery et al. (U.S. 2003/0101143). Claims 14 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sansone in view of Montgomery et al. and further in view of Briley et al. (U.S. 6,860,452). Reconsideration is respectfully requested.

The present invention is directed to a mailing machine that can detect if the PSD and/or printing device of the mailing machine are improperly operating in such a manner that the PSD accounts for a first postage amount with respect to a mail piece even though the printing device prints

an indicia on the mail piece that indicates payment of a postage amount that is higher than the first postage amount. This is accomplished by providing a reading device on the mailing machine that reads the barcode and the human readable numerals that represent the postage amount that are printed on the mail piece. The mailing machine includes a comparing mechanism that compares the postage amount represented by the data read from the barcode with the postage amount represented by the human-readable numerals to determine if they correspond or not, and processing of mail pieces is halted (thereby preventing the printing of any additional defective indicia) if the comparison fails to indicate a match.

Sansone is directed to a metering system that prevents the printing of fraudulent documents by counting the number of signal pulse firings that are used to produce ink drops or ink dots that are required to produce the document or specific regions of the document. Printer character routines stored in a memory are utilized to convert the bit map image of the printed region to the dollar amount of postage indicated in the printed indicia. This can then be compared with the value indicated in a current indicia value buffer. If there is a mismatch, the difference between the values is stored in a buffer.

Thus, while the system in Sansone has similar objectives, it operates in a very different manner. The system in Sansone does not read the barcode and the human-readable numerals that have already been printed on the mail piece. The system in Sansone does not perform any type of scanning or reading of the postage indicium already printed on a mail piece. Furthermore, since the system of Sansone does not read the barcode or the human-readable numerals in the indicium, it cannot compare the amount a postage amount represented by data read from the barcode with the postage amount represented by the human-readable numerals as is done in the present invention. Instead, as noted above, Sansone counts the number of signal pulse firings used to produce the human readable numerals, converts those pulse firings (based on the resulting bit map image) to a dollar amount, and then determines if the dollar amount printed is the same as or different than a dollar amount stored in a buffer. Furthermore, there is no disclosure, teaching or suggestion in Sansone of halting the transporting of mail pieces in response to the postage amount represented by data read from the barcode not matching with the postage amount represented by the human-readable numerals.

Montgomery is directed to a postage indicia tracking system for generating self-validating unique postage indicia that can be validated by a postal authority. The system in Montgomery

includes a centralized postage indicia generation system 302 which include a multitude of centralized postage issuing computers systems 305/306/307 each of which communicates with a multitude of end user computers 304. The postage system 300 also includes a postage validation computer system 312. Each end user computer 308 is owned and operated by a client of a postal vendor, and is the principal device for preparing mail pieces by printing the tracking ID's and self-validating unique postage indicia on the mail pieces when received by the centralized postage-issuing computer system 305/306/307. Each centralized postage-issuing computer system 305/306/307 is owned and operated by a postal vendor and is the principal device that dispenses unique postage indicia to the end user computers 308 over communications links 314 in response to requests by the end user computers 308. The postage validation computer system 312 is owned and operated by the postal authority, and is the principal device for verifying the postage on mail pieces. (Paragraphs [0091] – [0094]).

The procedures performed in Montgomery for validating the postage on a mail piece are described with respect to Fig. 14. At step 700, the postal verifier operates a postage scanning station 484 within the postage validation computer system 312 to read the self-validating postage indicium (i.e., the two-dimensional barcode 206) on the mail piece and display its contents to the verifier. At step 702, the verifier then manually compares the contents of the two-dimensional barcode 206 to the human-readable information (e.g., mailing date, postage amount, origin of mail piece, and destination of mail piece). If the barcode information does not match the human-readable information, this is an indication of likely fraudulent use of a postage indicium and is treated as such. (Paragraph [0134]). Note, however, that the validation is performed by the validation computer system 312, which is not part of the postage indicia generation system. There is no disclosure, teaching or suggestion in Montgomery of a mailing machine that includes any type of reading means, located adjacent the transport path, for reading the barcode and the human-readable numerals or comparing means coupled to the reading means for comparing a postage amount represented by data read from the barcode with the postage amount represented by the human-readable numerals. The present invention allows the mailing machine that is generating and printing indicia on mail pieces to determine if there is a discrepancy between the postage amount included in the barcode with the postage amount printed in human readable numerals. The system in Montgomery can not perform this function, nor is it related in any way to performing such function.

Furthermore, there is no disclosure, teaching or suggestion in Montgomery of halting the transporting of mail pieces in response to the postage amount represented by data read from the

barcode not matching with the postage amount represented by the human-readable numerals. The processes of generating indicia and validating indicia are different processes, performed at different times, by different equipment. As such, if a mismatch is found in Montgomery, there is no way for the system in Montgomery to halt the processing of mail pieces.

Briley is directed to a postage metering system that includes a sensor to determine if a postage indicia has been printed. The system in Briley is not capable of determining whether or not a printed indicium is proper or not, but only if an image is present on the mail piece. There is no disclosure, teaching or suggestion in Briley of a mailing machine that includes any type of reading means, located adjacent the transport path, for reading the barcode and the human-readable numerals or comparing means coupled to the reading means for comparing a postage amount represented by data read from the barcode with the postage amount represented by the human-readable numerals. The system in Briley uses a simple optical sensor to detect only the presence or absence of a postage indicium – it is not capable of reading any information included in the indicium or performing any type of comparison. Furthermore, there is no disclosure, teaching or suggestion in Briley of halting the transporting of mail pieces in response to the postage amount represented by data read from the barcode not matching with the postage amount represented by the human-readable numerals. The system in Briley stops operation only if there is no indicium present, which is not the same as detecting a mismatch between information printed in the barcode and the human readable numerals. As long as any indicium is present on each mail piece (whether or not the information included in the indicium is correct), the system in Briley will never stop. This is clearly contradictory to the present invention.

None of the references, either alone or in any combination, disclose, teach or suggest all of the features of the present invention. Without using the present claims as a road map, it would not have been obvious to make the multiple, selective modifications needed to arrive at the claimed invention from these references. The rejection uses impermissible hindsight to reconstruct the present invention from these references. See *Ex parte Clapp*, 227 U.S.P.Q. 972,973 (Bd. App. 1985) (requiring “convincing line of reasoning” to support and obviousness determination).

For at least the above reasons, Applicant respectfully submits that claim 13 is allowable over the prior art of record. Claim 15 includes limitations substantially similar to those of claim 13. For the same reasons given above with respect to claim 13, Applicant respectfully submit that claim 15 is allowable over the prior art of record.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims are in a condition for allowance and favorable action thereon is requested.

Respectfully submitted,

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